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7 **IN THE UNITED STATES DISTRICT COURT**
8 **IN AND FOR THE DISTRICT OF ARIZONA**

10 Johnny Wheatcroft and Anya Chapman, as
11 husband and wife, and on behalf of minors J.
12 W. and B. W.,

Case No.: 2:18-cv-02347-SMB

13 Plaintiffs,

**JOINT SUPPLEMENTAL
BRIEF REGARDING
BODY WORN CAMERA**

14 v.
15 City of Glendale, a municipal entity; Matt
16 Schneider, in his official and individual
17 capacities; Mark Lindsey, in his official and
18 individual capacities; and Michael Fernandez,
19 in his official and individual capacities;

Defendants.

20 The Parties, by and through counsel undersigned, hereby submit this brief pursuant to the
21 Court's Order [Doc. 263] as to the videos identified as exhibits by each party in their respective
22 statements of facts relating to the summary judgment briefing.

23 Each party moved to file non-electronic exhibits as to Defendant Schneider's Body Worn
24 Camera Video, Defendant Lindsey's Body Worn Camera Video, and the Motel 6 Surveillance
25 Video (collectively referred to herein as the "Videos"). *See* Doc. 247 and Doc. 262. Defendants
26 listed these Videos Exhibits 9, 12, and 13 in Defendants' Statement of Facts [Doc. 246] and

1 Plaintiff listed the Videos as Exhibits 1, 2, and 3, in Plaintiffs' Controverting and Separate
2 Statement of Facts [Doc. 261]. Defendants also filed a Motion for Leave to File *Under Partial*
3 *Seal*, Defendants' Motion for Summary Judgment, Statement of Facts, and Associated Exhibits
4 (Doc. 247) ("Motion to Seal"). In the Motion to Seal, out of an abundance of caution, Defendants
5 seek to seal the videos to protect the identities of the minor Plaintiffs, J.W. and B.W., which the
6 Parties have protected throughout this litigation.

7 Outside of this litigation, various news and media sources obtained the videos from
8 Defendant Glendale through public records requests under Arizona law. However, the Videos
9 provided to the media had certain redactions, including the obscuring of the minor Plaintiffs'
10 faces, which make them qualitatively different from the unredacted Videos disclosed in this action
11 and now used by the parties in this summary judgment context. In addition, Plaintiffs' counsel
12 believes the Videos were disclosed to Anya Chapman, who is the mother of the minor Plaintiffs,
13 as part of the criminal proceedings against her. Also, Defendants' counsel submits that
14 prosecutors obtained these Videos from the City of Glendale.

15 Although the Videos have not been specifically identified as "Confidential" in this lawsuit
16 and have not previously been made subject to the applicable Protective Order in this matter (Doc.
17 114 and its addendum Doc. 216), the parties have not published these unredacted Videos outside
18 this litigation, and the parties are unaware of any public disclosure or publication of the unredacted
19 Videos by any news source or media. However, Plaintiffs' counsel states unredacted versions of
20 the Body Worn Videos were made available to her prior the filing of this lawsuit, but counsel does
21 not know the extent the video was made available to others. Thus, Plaintiffs do not believe the
22 Videos were maintained as secret or confidential. Further, Plaintiffs do not know to what extent
23 the media has received any of the unredacted Videos disclosed in this lawsuit. As stated
24 previously, Defendants have not provided unredacted versions of Videos to the media or the
25 public.

Counsel for the Parties have conferred and agree that the identities of the minor children, including their faces as they appear in the Videos, should remain protected. Therefore, the Parties agree that these unredacted Videos should be sealed to protect the identities of the minor Plaintiffs, J.W. and B.W., in this lawsuit.

Therefore, in the interests of the minor Plaintiffs, J.W. and B.W., the parties submit that the sealing of these Videos is appropriate to ensure the minor Plaintiffs, J.W. and B.W., are afforded the same level of proactive confidentiality and protection as they have been afforded throughout this lawsuit. Defendants request the Videos be sealed pursuant to Defendants' Motion to Seal [Doc. 247].

Pursuant to the Court's Order [Doc. 263], attached hereto as Exhibits A and B are Affidavits of Counsel.

RESPECTFULLY SUBMITTED this 12th day of May, 2021.

ATTORNEYS FOR FREEDOM

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By: /s/ Joseph J. Poplizio
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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of May, 2021, I electronically transmitted the foregoing to the Clerk's office using the CM/ECF system for filing and transmittal of a Notice of Electronic filing to the following registrants to:

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